PETITION FOR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store as a use in combination with a gas and Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Getty Refining & Marketing Compan S.A. Mazzotta City and State Signature 506 Windley Rd. Phone No. Wilmington, Delaware 19803 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Thomas J. Hoff Hoff, Rosenfelt & Woolfolk, Inc. 11-H Gwynns Mill Ct. Owings Mills, MD 21117 ORDERED By The Zoning Commissioner of Baltimore County, this ______7th___ day of ______ November ____, 19_84_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property > posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of ____ December ____, 19_84_, at 10:45_ o'clock ____A_M. Zoning Commissioner of Baltimore County. Z.C.O.-No. 1

FILING

FOR

CEIVED

ORDER

ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner November 23, 1984 Norman E. Gerber, Director FROM Office of Planning & Zoning

SUBJECT Zoning Petition No. 85-160-X

If granted, it is requested that the plan be revised to comply with the standards set forth in the Baltimore County Landscape Manual.

NEG:JGH:bjs

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTIE November 29, 1984

COUNTY OFFICE BLDG.

Nicholas B. Commodari Chairman

MEMBERS

State Roads Commissio

Burcau of

Engineering

Bureau of Fire Prevention

Bealth Department

Project Planning

Board of Education

Industrial

Building Department

Zoning Administration

Mr. Marvin Taylor Easton Petroleum Company P. O. Box 666 Easton, Maryland 21601

Item No. 225, Case No. 35-160-X Getty Refining and Marketing Co.-Petitioner Special Exception Variance

Dear Mr. Taylor: Department of Traffic Engineering

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the approthat all parties are made aware of plans or problems with this case. The Director of Planning may file a written as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the Otherwise, any comment that is not informative will be filing on the date of the enclosed filing certificate and a scheduled accordingly.

Very truly yours, Bichales B. Connadari Loc NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. Thomas J. Hoff Hoff, Rosenfelt & Woolfolk, Inc. 11-H Gwynns Mill Court Owings Mills, Maryland 21117

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.

April 26, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #225 (1983-1984) Property Owner: Getty Refining and Marketing Company E/S Back River Neck Rd. 48' N/E from centerline Williams Ave. Acres: 0.607 District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

General:

Baltimore County highway and utility improvements exist and are not directly

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #225 (1983-1984).

> Very truly yours, ROBERT A. MORTON, P.E. Chief Bureau of Public Services

RAM:EAM:FWR:88

I-SE Key Sheet 4 & 5 NE 33 Pos. Sheets NE 1 & 2 I Topo 97 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211 NORMAN E. GERBER DIRECTOR

> Mr. Armold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

3/19/84

Re: Zoning Advisory Meeting of 3/6/84
Item # 225 Property Owner: Getty Refining + Marketing Co. Location: Els Buck R. in Nork Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

)There are no site planning factors requiring comment.
)A County Review Group Recting is required.
)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
)A record plat will be required and must be recorded and as)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory. The circulation on this site is not satisfactory. The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.
)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Board Landscaping should be provided on this site and shown on the plan.
The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. []Additional comments:



DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

March 8, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. (225) 227, 228, and 229. ZAC- Meeting of March 6, 1984 Location: Existing Zoning:

Acres: District:

Dear Mr. Jablon;

MSF/ccm

The Department of Traffic Engineering has no comments for item numbers (225, 227, 228, and 229.

> Michael S. Flanigan Traffic Engineering Assoc. II

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Marketing Company

Petitioner's

Attorney

Zoning Commissioner

Chairman, Zoning Plans

Advisory Committee

the late and the state of the s

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

dean to the

TED ZALESKI, JR.

Dear Mr. Jablon:

District: 15th.

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
10WSON, MARYLAND 21204
494-3610

Mr. Arnold Jablon, Zoning Commissioner

The items checked below are applicable:

1407 and Table 1402, also Section 503.2.

Comments on Item # 225 Zoning Advisory Committee Meeting are as follows:

(A.) All structures shall conform to the Baltimore County Building Code 1981/Council

B. A building & other permit shall be required before beginning construction.

C. kesidential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two

Family use group of an adjacent lot line shall be of one hour fire resistive

construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section

F. Requested variance appears to conflict with the Baltimore County Building Code,

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other appli-

Property Owner: Getty Refining and Marketing Company
Location: E/S Back River Neck Road 48 N/E from c/l Williams Avenue
Existing Zoning: B. L.-CNS & D.R. 5.5
Proposed Zoning: Special exception for use in combination food store.

Office of Planning and Zoning County Office Building

Towson, Keryland 2120h

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item # 225, Zoning Advisory Committee Meeting of March 6, 1984 Property Owner: Getty Refining And Marketing Co. Location: Els Back River Neck Rd District 15 Water Supply Public Sewage Disposal Public

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Hereh 22, 1984

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required

for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER SE Corner of Back River Neck Rd. and Williams Ave. (149 Back River: OF BALTIMORE COUNTY Neck Rd.), 15th District

GETTY REFINING AND MARKETING

Case No. 85-160-X COMPANY, Petitioner

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel

I HEREBY CERTIFY that on this 20th day of November, 1984, a copy of the foregoing Entry of Appearance was mailed to S. A. Mazzotta, Getty Refining & Marketing Co., 506 Windley Rd., Wilmington, Delaware 19803, Petitioner; and Thomas J. Hoff, Hoff, Rosenfelt & Woolfolk, Inc., 11-H Gwynns Mill Ct., Baltimore, MD 21117, who requested notification.

Peter Max Zimmerman

Zoning Item # 225 Zoning Advisory Committee Meeting of March 6,1989 () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. () Any a and oned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste () Soil percolation tests (have been/must be) conducted. The results are valid until Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required. () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. () In accordance with Section 13-117 of the Baltimore County Code, the water shall be valid until) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

SS 20 1283 (2) R

Han J. Formest, Director BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 27, 1984

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Nicholas B. Commodari Chairman

MEMBERS

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Zoning Administration

Board of Education

Traffic Engineering

State Roads Commissio

Bureau of

Bureau of

Industrial

Development

A STATE OF THE STA

Mr. S. A. Mazzotta Getty Refining and Marketing Company 506 Windley Road Wilmington, Delaware 19803

> RE: Item No. 225 Getty Refining and Marketing Company Special Exception Petition

Dear Mr. Mazzotta:

In view of the fact that the use of the property has changed from full service gas station to a gas and go operation with a food store, a special hearing must also be filed with this petition. Until this is done, the hearing cannot be scheduled.

If you have any further questions regarding this matter, please feel free to contact me.

> Very truly yours, Tichalas B. Commadare dec NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:bsc

cc: Mr. Tom Hoff 11 Gwynns Mill Court Owings Mills, Maryland 21117 Mr. James H. Thompson, Supervisor Zoning Enforcement ~ file

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

Location: E/S BackRiverNeck Rd 48' N/E from c/l Williams Ave.

March 14, 1984

Zoning Agenda: Meeting of 3/6/84

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

会**園・公**身 BALTIMORE COUNTY

494-4500

Mr. William Hammond Coming Commissioner

Towson, Maryland 21204

Item No.: 225

Gentlemen:

Office of Planning and Zoning

Baltimore County Office Building

Attention: Nick Commodari, Chairman

Zoning Plans Advisory Committee

RE: Property Owner: Getty Refining and Marketing Company

PAUL H. REINCKE CHIEF

FIRE DEPARTMENT TOWSON MARYLAND 21204-2586

EXCEEDS the maximum allowed by the Fire Department.

st (χ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

 (χ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 Edition prior

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER fatt Joseph Killy 3-14-84 Approved: Vicano Con Con-Fire Prevention Bureau

Special Inspection Division * All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of class I liquids while said liquids are actually being dispensed. according to NFPA 30, Sec. 7-7.4.3.

COMPTROLLER OF THE TREASURY MOTOR VEHICLE FUEL TAX DIVISION P.O. BOX 1751 LOUIS L. GOLDSTEIN TREASURY BUILDING ANNAPOLIS, MARYLAND 21404

DIRECTOR OF DIVISION IN REPLY REFER TO FILE NO.

November 13, 1984

Mr. Arnold Jablon Zoning Commissioner Baltimore County New Court Building - 4th Floor Towson, Maryland 21404

Dear Mr. Jablon: We have been advised by Easton Petroleum Company, Inc. that they have filed necessary documents to obtain zoning approval to convert a service station from full service to gasoline only. The location involved trades as Big Red and is located at 149 Back River Neck Road, Baltimore County. From the information provided to us, this filing was made on February 22, 1984, and the people at Big Red now tell us their hearing will not be scheduled until after January 1, 1985.

Because Article 56, Section 157F(a) prohibits us from issuing a Certificate of Registration to this type of facility without local Zoning/Planning Board approval, we have accommodated the operators via a temporary certificate since June 19, 1984, (in violation of our

It is imperative that we be advised of the status of this petition and we thank you in advance for your prompt attention.

> Very truly yours Assistant to the Director Motor Vehicle Fuel Tax Division

11/19/84 - Int capy of Chearing Crother - Est

TTY for Deaf: Annapolis Area 269-2609 AN EQUAL OPPORTUNITY EMPLOYER

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

Marles & Sumban

Charles E. Burnham, Chief

compliance with

the State Code.

March 8, 1984

Comments - The site plan shows approximately 2/3 of the floor area of the existing structure to be used for the storage of dog food. Under the Building Code Section 312.0 this would cause this building to be classified as an S-1 Storage building not a food store and gas station. This is not on the change of occupancy should state, Uses "B" and S-1 instead of "B" work: These comments reflect only on the Building Code, Add Handicapped rarking, curb mitted to the office of Planning and Zoning and are not intended to be concuts, building structured as the full extent of any permit. If desired, additional information access and use—foreson.

MAY 15 1905

Getty Refining and Marketing Company 506 Windley Road Wilmington, Delaware 19803

> NOTICE OF HEARING RE: Petition for Special Exception SE/corner Back River Neck Rd. & Williams Ave. (149 Back River Neck Rd.) Getty Refining & Marketing Co. - Petitioner Case No. 85-160-X

	TIME: 10:45 A.M.	
	DATE: Monday, December 10, 1984	
	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT No. 126845	111 West Chesapeake
	DATE 2/03/84/ ACCOUNT R-01-615-000	
	FRE FILM FEE FI Ston # 225	- - -
_	C 037*****10CD018 8224A	imissioner e County
	VALIDATION OR SIGNATURE OF CASHIER	-

HOFF, ROSENFELT & GOOLFOLK, INC. Owings Mills, MD 21117 (301) 363-6830

> DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR USE IN COMBINATION FOOD STORE

LOCATION: 149 BACK RIVER NECK ROAD 15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DATE: FEBRUARY 21, 1984

cc: Mr. Thomas J. Hoff

Hoff, Rosenfelt & Woolfolk, Inc.

Owings Mills, Maryland 21117

11-H Gwynns Mill Court

DESCRIPTION:

Beginning for the same at a point on the east side of Back River Neck Road, 70 feet wide, said point being North 89 degrees East 48 feet, more or less, from the intersection of the centerline of said road with the centerline of Williams Avenue, 50 feet wide, running thence binding on the east side of Back River Neck Road, the two following courses viz:

(1) By a curve to the left having a radius of 5729.58 feet and a length of 64.58 feet, said curve being subtended by a chord bearing South 30 degrees 41 minutes 57 seconds East and a distance of 64.58 feet and

(2) South 34 degrees 50 minutes 05 seconds East 72.45 feet to a point on the division line between lots 6 and 7, Block 'D', as shown on a plat entitled "Plat of French's Park", recorded in Baltimore County, Maryland in Plat Book W.P.C. 6 folio 138, running thence binding on part of said

(3) North 29 degrees 47 minutes 00 seconds East 190.93 feet to the end thereof, running thence binding on the rear line of lots 6, 5, 4, 3, 2 and part of lot 1, Block 'D', in all;

(4) North 33 degrees 23 minutes 00 seconds West 155.52 feet to the south side of Williams Avenue, running thence binding on the south side of

(5) South 29 degrees 47 minutes 00 seconds West 177.16 feet, running thence across the cutoff line of the southeast corner of Back River Neck

(6) South 09 degrees 16 minutes 31 seconds East 27.17 feet to the place of beginning.

Containing 0.607 acres of land, more or less.

Civil Engineers & Landscape Architects Water Quality & Stormwater Management Specialists Thomas J. Hoff, L.A. / Robert S Rosenfelt, P.E. / Thomas N. Woolfolk

Petition for Special Exception **Qe Times**

15th Election District
LOCATION: Southeast corner of
Back River Neck Road and Williams a gas and go service station.

Avenue (149 Back River Neck Road).

DATE & TIME: Monday, December 10, 1984 at 10:45 p.m.

PUBLIC HEARING: Room 106,

County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Exception for a food store as a use in combination with Being the property of Getty Refining and Marketing Company, as shown on plat plan filed with the Zoning Depart-In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this position. mit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

Zoning Commissioner of Baltimore County

Middle River, Md., Not 22 19 84 This is to Certify, That the annexed Reg - L 67362 was inserted in Te Times, a newspaper printed

85-160-X

and published in Baltimore County, once in each Cre_ 22rd day of Nov

85-160-X CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING 15th Election District TOWSON, MD., November 22, 1984 LOCATION: Southeast corner
of Back River Neck Road
and Williams Avenue (149
Back River Neck Road)
DATE AND TIME: Monday,
December 10, 1994, and 10,45 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed PUBLIC HEARING: Room and published in Towson, Baltimore County, Md., appearing on 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland November 22, , 19 84 The Zoning Commissioner Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Excep-tion for a food store as a use THE JEFFERSONIAN. in combination with a gas and go vervice station.

Being the property of Getty Refining and Marketing Company as shown on the plat filed

8 Venetorli tion is granted, a building permit may be issued within the thirty (30) day appeal pe-riod. The Zoning Commissioner request for a stay of the issu-ance of said permit during this

period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of

ARNOLD JABLON, Cost of Advertising 20 00

PAGE 2

Being a portion of lots 6, 5, 4, 3, 2 and 1, Block 'D', as shown on a plat entitled "Plat of French's Park" recorded in Baltimore County, Maryland in Plat Book W.P.C. 6 folio 138. Also being all that parcel of land described in an indenture dated March 30, 1972 between Getty Oil Company and Getty Oil Company (Eastern Operations), Inc. and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 5269 folio

NOTE: The above description has been prepared from deeds and other records and does not represent a field survey and is intended for zoning



HOFF, ROSENFELT & WOCLFOLK, INC.

PETITION FOR SPECIAL EXCEPTION 15th Election District

LOCATION:

Southeast corner of Back River Neck Road and Williams Avenue (149 Back River Neck Road)

DATE AND TIME: PUBLIC HEARING:

District 15 Th

Number of Signe: _____

Monday, December 10, 1984 at 10:45 a.m. Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a food store as a use in combination with a gas and go service station.

Being the property of <u>Getty Refining</u> and <u>Marketing Company</u> the plat filed with the <u>Zoning Office</u>.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: Special Escretion for food store

Petitioner: Getty Refining & Marks hing Cu.

Location of property: 5 E / Cox. of Back Rovin Nock Rd., 5 of Williams

Location of Signs: A Hoched to Sign Pole at cor of Book Pivin Nock

Date of return: 11/23/84

L Williams Soon Facing Book River Nock Rd

Remarks: Pormission pronted by tonment to post on poly

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

85-160-X

Date of Posting 11/16/84

2:42 P.M

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING OFFICE OF PLANNING & ZONI TOWSON, MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

> > December 3, 1984

Mr. Marvin Taylor Easton Petroleum Company P.O. Box 666 Easton, Maryland 21601 RE: Petition for Special Exception

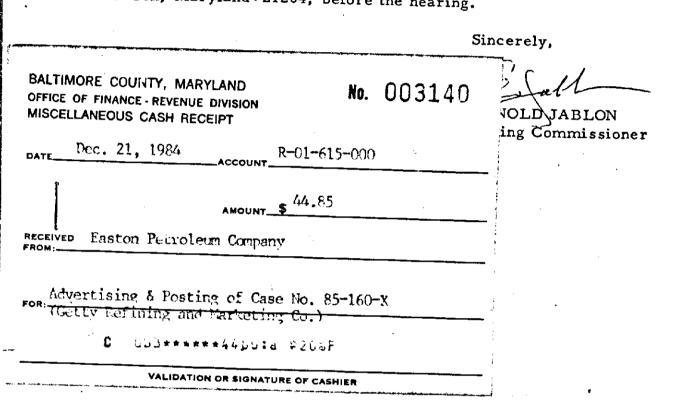
SE/cor. Back River Neck Rd. & Williams Avenue (149 Back River Neck Rd.) Getty Refining and Marketing Co.-Petitioner Case No. 85-160-X

Dear Mr. Taylor:

This is to advise you that \$44.85 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.



IN RE: PETITION FOR SPECIAL EXCEPTION * SE/corner of Back River Neck Road and Williams Avenue (149 * Back River Neck Road) - 15th Election District

Getty Refining & Marketing Company,

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 85-160-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a food store with less than 5,000 square feet of retail sales area in combination with a service station, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Martin Taylor, Executive Vice President of Easton Petroleum Company, Inc., its Lessee, appeared and testified. Appearing as Protestants were Mr. and Mrs. Joseph Mangione, owners of a 7-Eleven Store across the street from the instant site, and Thomas Morris, a neighbor.

Testimony indicated that the subject property, zoned B.L.-C.N.S., is presently improved with a gas and go service station. The Lessee wishes to sell specific food items from a portion of the existing $42\frac{1}{2}$ x 44° one-story building. The proposed sales area is 246 square feet with storage of pet food in the 1,232 square foot bay area. Sales are aimed at an existing trade, and there is no expectation that such a small operation would add significantly to traffic congestion. The station is located at the corner of Back River Neck Road and Williams Avenue with access from both roads.

and Mrs. Mangione pointed out that there are three convenience stores, including theirs, within 200 feet of the instant site and another would not be needed. They were concerned that the proposal was for a full convenience store bue do not oppose the limited scope as outlined by the Petitioner. Mr. Morris

The second of th

The Petitioner seeks relief from Section 405.4.D.8, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR).

It is clear that the BCZR permit the use requested by the Petitioner in a B.L.-C.N.S. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisifed by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general wellare of the locality, nor tend to create congestion in roads, streets, or allets therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the ECZR.

RECEIVED FOR FILING

ORDER

8

Pursuant to the advertisement, posting of property, and public hearing help, and it appearing that by reason of the requirements of Section 502.1

having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of December, 1984, that the Petition for Special Exception for a food store with less than 5,000 square feet of retail sales area in combination with a service station be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this
- 2. Compliance with the requirements of the Baltimore County Landscape Manual.
- Sales shall be limited to soda, cigarettes, candy, snacks, auto service products, pet food, and wild bird seed. The sale of any other items shall be permitted only after amending this special exception via a special hearing.

oning Commissioner of Baltimore County

AJ/srl

cc: Mr. Marvin Taylor

Mr. & Mrs. Joseph Mangione Mr. Thomas Morris

Reople's Counsel

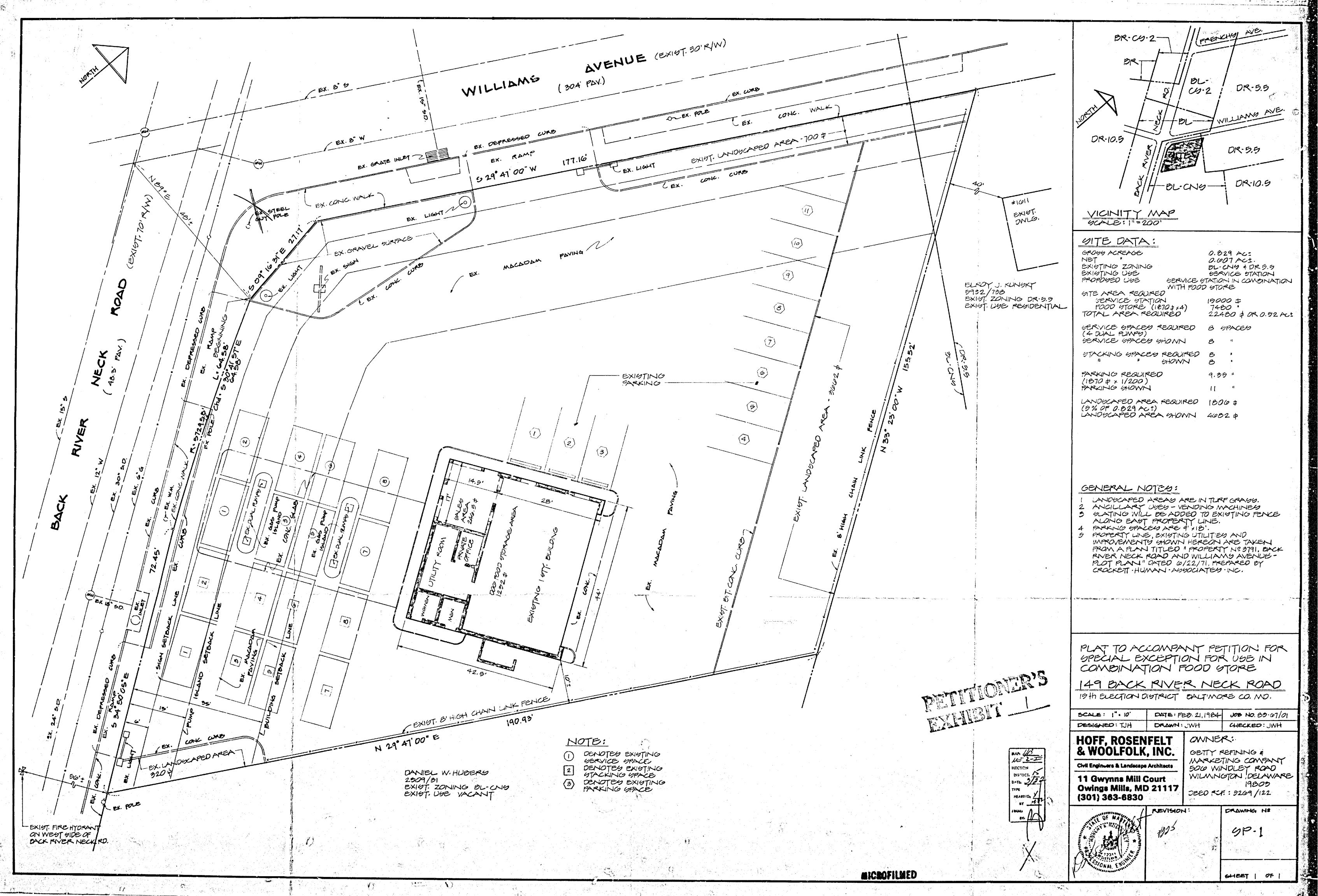
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COMPTROLLER OF THE TREASURY
MOTOR VEHICLE FUEL TAX DIVISION
P.O. BOX 1751

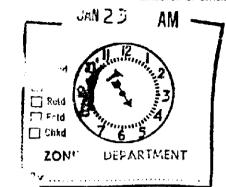
LOUIS L. GOLDSTEIN TREASURY BUILDING ANNAPOLIS, MARYLAND 21404

IN REPLY REFER TO FILE NO.

January 21, 1985

1/23/55 CA

LOUIS L. GOLDSTEIN
COMPTROLLER
J. BASIL WISNER
CHIEF DEPUTY
HOWARD C. FITZGERALD
DIRECTOR OF DIVISION



Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
New Court Building - 4th Floor
Towson, Maryland 21404

Dear Mr. Jablon:

For easy reference, we are attaching a copy of Petition For Special Exception submitted to us by Easton Petroleum Company, Inc. as evidence of compliance with Section 157F(a) of Article 56, Annotated Code of Maryland. This particular portion of law prevents the Comptroller from issuing a Certificate of Registration to service stations structurally modified from full service to "gas and go type" unless local Zoning Boards or Planning Commissioners rule in favor of such conversions.

Beginning on Line 8 of the attached "Findings of Fact and Conclusions of Law" is the statement "is presently improved with a gas and go service station". This facility had been a full service facility, so registered and operated by Easton Petroleum Company, Inc. A renewal application was submitted by Easton Petroleum Company dated June 19, 1984, indicating they had converted to "gas and go". At that point in time, we called to their attention the fact they must obtain local zoning approval in order for us to issue a Certificate of Registration. As an accommodation and in order to allow them time to obtain such county approval, we permitted them to operate on a temporary basis.

In our interpretation of the attachment, it appears the Zoning Commissioner has not addressed the problem of converting to gas and go because of the Findings of Fact statement, to the effect it was already a gas and go facility.

Please clarify for us whether or not Baltimore County has actually approved the conversion from full serve with service facilities to gas only at this location.

Very truly yours

A. E. Price

Assistant to the Director Motor Vehicle Fuel Tax Division

AEP:1cz

Attachment My Telephone Number is (301) - 269-3126

TTY for Deaf: Annapolis Area 269-2609
AN EQUAL OPPORTUNITY EMPLOYER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

January 23, 1985

Mr. A. E. Price Assistant to the Director Motor Vehicle Fuel Tax Division Comptroller of the Treasury P.O. Box 1751 Annapolis, Maryland 21404

RE: Case No. 85-160-X
Getty Refining & Marketing
Company, Petitioner

Dear Mr. Price:

With reference to your letter of January 21, 1985, please be advised that your point is well taken. In this particular case, local zoning has been satisfied as to the conversion from a full service station to a "gas and go" operation. The Petitioner needs to do nothing further.

Indeed, your letter has particular significance, and I suggest that I be notified of all future requests to your office for such conversions. In that way, I will insure notification to you.

I must admit to having learned something, and I appreciate that. If I can be of further assistance, please contact me.

Sincerely.

AGNOLD JABLON
Zoning Commissioner

AJ/srl